

LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

Ad Hoc -- Condemnations

August 30, 2007

10:05 AM

City Hall, Third Floor

Present:

Chair:	CW Adams
Vice Chair:	CM Johnson
Members:	CM Tandy (10:20)

THIS IS A SPECIAL MEETING/PUBLIC HEARING

Special Items for Discussion: None

Chairman Adams began the meeting by announcing the members and non-members of the committee that were present. A quorum was established.

AGENDA:

R-159-08-07 A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION SUIT AGAINST THE OWNERS OF CERTAIN PROPERTY IN JEFFERSON COUNTY TO ELIMINATE BLIGHT.

Status: In-Committee

Committee: Council Ad Hoc

Primary Sponsor: Julie Raque Adams

Motion to Approve was made by Dan Johnson and seconded by Julie Raque Adams.

Discussion: CW Adams gave an overview Kentucky Revised Statutes and Louisville Metro Code of Ordinances that allow local governments to take title to individual parcels of blighted property. The Vacant Property Review Commission takes the first steps and then makes a recommendation to Metro Council. Metro Council must then find the following four things:

1. The property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare.
2. The property is likely to continue to deteriorate unless corrected.
3. The continued deterioration of the property may contribute to the blighting and deterioration of the area immediately surrounding the property.
4. The owner of the property has failed to correct the deterioration of the property.

Jeana Dunlap, Department of Housing and Family Services, gave an overview of the Vacant Property Review Commission and a timeline of its actions regarding this property.

Ron Howard, the City of Hurstbourne city manager, gave a brief history of the problems the City has had with the property. He stated that the City has made every effort to contact the owners of the property but have been unsuccessful. Mr. Howard submitted the City of Hurstbourne's findings regarding this property ([attached](#)). He showed the following photos of the property:

1. [Front of the property, 082907](#)
2. [Rear of the property, 082907](#)
3. [Garage area, 082907](#)
4. [Entryway, 082907](#)
5. [Hole in foundation, 082907](#)
6. [Bedroom 1, May 14, 2007](#)

7. [Bedroom 1, May 14, 2007](#)
8. [Bedroom 2, May 14, 2007](#)
9. [Damage to inside of home, May 14, 2007](#)
10. [Bedroom 2, May 14, 2007](#)
11. [Bedroom 3, May 14, 2007](#)
12. [Bedroom 3, May 14, 2007](#)
13. [Bathroom 1, May 14, 2007](#)
14. [Bathroom 1, May 14, 2007](#)
15. [Bathroom 2, May 14, 2007](#)
16. [Bathroom 2, May 14, 2007](#)
18. [Garage, May 14, 2007](#)
19. [Garage, May 14, 2007](#)
20. [Refrigerator, May 14, 2007](#)
21. [Basement, May 14, 2007](#)
22. [Damage to inside of home, May 14, 2007](#)
23. [Damage to inside of home, May 14, 2007](#)
24. [Damage to inside of home, May 14, 2007](#)
25. [Damage to inside of home, May 14, 2007](#)
26. [Damage to inside of home, May 14, 2007](#)
27. [Damage to inside of home, May 14, 2007](#)
28. [Damage to inside of home, May 14, 2007](#)
29. [Damage to inside of home, May 14, 2007](#)

Bob English, Mayor of the City of Hurstbourne, spoke and agreed with what Mr. Howard had said.

Foster Hounz, attorney for the City of Hurstbourne, stated that the city had filed foreclosure twice on the property for delinquent taxes but the taxes had been paid at the last minute and the proceedings were stopped.

Those residents wishing to speak were sworn in.

Harper Shiley, 8206 Nottingham Parkway, testified that his property directly abuts the property in question. He stated his concerns regarding his neighbor's two young children being near the property. Fifth Third Bank had a mortgage on the property at one time and had been maintaining it at one point. Mr. Shiley offered to buy the property from Fifth Third but they were unable to get a clean title to it. He believes that the deterioration of the property affects the value of his property, that it will continue to deteriorate and it affects the health of others.

Bill O'Brien, assistant county attorney, discussed what the likely process would be following a vote by the Council authorizing the condemnation.

Margaret Young, 8219 Nottingham Parkway, stated how surprised people who visit her are when they see this property in this neighborhood. She had seen someone who she believed to be the son of the owner trying to fix up the property a few years ago but believes he gave up because it was too big of a job. She mentioned that she is afraid of the rodents on the property.

Mike Hamilton, 8315 Nottingham Parkway, stated that before buying his house about three years ago the property did disturb him, but he was not aware of the extent of it. He stated that he is surprised that children are not going in the home to explore and that they are very fortunate that something serious has not happened.

John Fleck, 8217 Paddington Drive, testified as a citizen not a lawyer. He stated the property has been a problem for ten or twelve years and is surprised that someone has not tried to destroy the property. The property is unsafe.

Julie Raque Adams submitted two emails into the record ([attached](#)).

The Committee then voted on whether each of the four statutory requirements had been met:

1. The property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare.

The Committee unanimously voted that this finding had been met.

VOTING RESULTS - For: 3; Against: 0; Abstain: 0; Absent: 0

For: David Tandy, Julie Raque Adams, Dan Johnson

Against: (None)

Abstain: (None)

2. The property is likely to continue to deteriorate unless corrected.

The Committee unanimously voted that this finding had been met.

VOTING RESULTS - For: 3; Against: 0; Abstain: 0; Absent: 0

For: David Tandy, Julie Raque Adams, Dan Johnson

Against: (None)

Abstain: (None)

3. The continued deterioration of the property may contribute to the blighting and deterioration of the area immediately surrounding the property.

The Committee unanimously voted that this finding had been met.

VOTING RESULTS - For: 3; Against: 0; Abstain: 0; Absent: 0

For: David Tandy, Julie Raque Adams, Dan Johnson

Against: (None)

Abstain: (None)

4. The owner of the property has failed to correct the deterioration of the property.

The Committee unanimously voted that this finding had been met.

VOTING RESULTS - For: 3; Against: 0; Abstain: 0; Absent: 0

For: David Tandy, Julie Raque Adams, Dan Johnson

Against: (None)

Abstain: (None)

The Ordinance was sent to **Old Business** on the 9/13/07 Council Agenda.

VOTING RESULTS - For: 3; Against: 0; Abstain: 0; Absent: 0

For: David Tandy, Julie Raque Adams, Dan Johnson

Against: (None)

Abstain: (None)

Motion to Adjourn was made by Dan Johnson and seconded by Julie Raque Adams. The meeting adjourned at 10:50 a.m. without objection.

jht